



General Assembly

January Session, 2017

Amendment

LCO No. 8255



Offered by:

SEN. KENNEDY, 12th Dist.

SEN. MINER, 30th Dist.

To: Subst. Senate Bill No. 995

File No. 484

Cal. No. 269

"AN ACT CONCERNING THE REDUCTION OF CERTAIN LAND-BASED MARINE AND FRESHWATER DEBRIS."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. (*Effective July 1, 2017*) (a) There is established the
4 Connecticut Parks Foundation, Inc., a nonstock, nonprofit corporation
5 organized under the laws of the state of Connecticut as a state
6 chartered foundation. The Connecticut Parks Foundation, Inc. shall: (1)
7 Receive and hold in trust for the state parks any gifts, donations,
8 grants, endowments and other funds from any source, including, but
9 not limited to, proceeds from the registration fee and renewal fee
10 established in accordance with section 502 of this act; (2) raise funds
11 for the maintenance, operation, repair and improvement of state parks
12 to be held in trust for such state parks, (3) invest funds of the
13 foundation in a prudent manner, and (4) make funds of the foundation
14 available to the Department of Energy and Environmental Protection
15 for the maintenance, operation, repair and improvement of state parks.

16 (b) There is established a Connecticut Parks Foundation Council
17 that shall consist of the following members: (1) The Commissioners of
18 Energy and Environmental Protection and Economic and Community
19 Development, or said commissioners' designees, (2) five appointed by
20 the Governor, (3) one appointed by the president pro tempore of the
21 Senate, (4) one appointed by the speaker of the House of
22 Representatives, (5) one appointed by the minority leader of the House
23 of Representatives, and (6) one appointed by the Senate Republican
24 president pro tempore. The chairperson of the council shall be
25 appointed by the Governor and shall serve a term coterminous with
26 that of the Governor. All other members of the council shall serve a
27 term of two years. No member shall serve for more than three terms.
28 Members of the council shall not receive compensation for service on
29 such council. Any vacancy shall be filled by the appointing authority.

30 (c) The council shall undertake all requisite efforts to obtain
31 nonprofit, tax exempt status under Section 501(c)(3) of the Internal
32 Revenue Code of 1986, or any subsequent corresponding internal
33 revenue code of the United States, as amended from time to time. The
34 council shall solicit and accept funds, on behalf of the Connecticut
35 Parks Foundation, Inc., to be used for the purpose of funding the
36 maintenance, operation, repair and improvement of state parks.

37 Sec. 502. (NEW) (*Effective July 1, 2017*) The Commissioners of Energy
38 and Environmental Protection and Motor Vehicles shall develop a state
39 parks passport program that requires the payment of a ten-dollar
40 additional fee on each motor vehicle registration, and renewal thereof,
41 and that eliminates any motor vehicle parking fee at any state park for
42 any resident of this state who paid such additional ten-dollar motor
43 vehicle registration fee or registration renewal fee. Such program shall
44 include, but not be limited to, procedures and timelines for the deposit
45 by the Commissioner of Motor Vehicles of such additional motor
46 vehicle registration fee or registration renewal fee with the foundation
47 established pursuant to section 501 of this act for the purpose of
48 providing such registration fee proceeds to the Commissioner of
49 Energy and Environmental Protection for the operation, maintenance,

50 repair and improvement of state parks, less a minimum administrative
51 fee for the Department of Motor Vehicles.

52 Sec. 503. Section 23-15 of the general statutes is repealed and the
53 following is substituted in lieu thereof (*Effective July 1, 2017*):

54 All receipts from the operation of the state parks shall be deposited
55 in the [General Fund in accordance with the provisions of section 4-32]
56 trust established by the Connecticut Parks Foundation, Inc., as
57 described in section 501 of this act. [Expenditures] All expenditures
58 incurred by the Department of Energy and Environmental Protection
59 for the operation, maintenance and extension of or improvements to
60 state parks shall be paid with moneys [appropriated from the General
61 Fund] contained in the trust established by the Connecticut Parks
62 Foundation, Inc., as described in section 501 of this act.

63 Sec. 504. Section 23-15b of the general statutes is repealed and the
64 following is substituted in lieu thereof (*Effective July 1, 2017*):

65 (a) [There is established a separate, nonlapsing account within the
66 General Fund, known as the maintenance, repair and improvement
67 account.] All funds collected from: [rent] (1) Rent paid by any person
68 for the use of state park property for any special event of limited
69 duration, including, but not limited to, weddings and receptions, and
70 (2) any hunting, trapping or fishing license, permit or tag, and revenue
71 from any such license, permit or tag, including, but not limited to,
72 commercial fishing licenses, issued by the Commissioner of Energy
73 and Environmental Protection pursuant to the provisions of chapter
74 490 and fees collected pursuant to section 23-65j, as amended by this
75 act, shall be deposited into the [account unless the Commissioner of
76 Energy and Environmental Protection enters into a written agreement,
77 signs an instrument or issues a license which specifically states
78 otherwise. Said account may also receive funds from private or public
79 sources, including the federal government or a municipal
80 government.] trust established by the Connecticut Parks Foundation,
81 Inc., as described in section 501 of this act, provided any such hunting,

82 trapping and fishing license fee, other than any such fee paid pursuant
83 to sections 26-27b and 26-27f, shall be held in a subaccount of such
84 trust for the purpose of funding forestry and fish hatchery programs of
85 the Department of Energy and Environmental Protection and the
86 functions of the Bureau of National Resources of said department, in
87 accordance with section 26-15.

88 (b) Notwithstanding any provision of the general statutes, any
89 funds received by the Department of Energy and Environmental
90 Protection pursuant to subdivision (1) of subsection (a) of this section
91 shall be deposited in the [General Fund and credited to the
92 maintenance, repair and improvement account] trust established by
93 the Connecticut Parks Foundation, Inc., as described in section 501 of
94 this act. Within said [account] trust there shall be a subaccount for each
95 state park from which funds are collected pursuant to subdivision (1)
96 of subsection (a) of this section, which subaccounts shall be held
97 separate and apart from each other. Each subaccount shall be available
98 to the Commissioner of Energy and Environmental Protection for
99 maintaining, making improvements to, erecting structures on or
100 repairing the property, including houses and other buildings, of the
101 state park for which such subaccount was established. Nothing in this
102 section shall prevent the commissioner from obtaining or using funds
103 from other sources [other than] for the maintenance, repair and
104 improvement [account for the] purposes described in this subsection.
105 [Funds in the maintenance, repair and improvement account shall be
106 used to supplement state funds appropriated for the general operation
107 of state parks and shall not replace such appropriated funds for
108 purposes of such general operation.]

109 (c) On or before October 1, [2010] 2017, and semiannually thereafter,
110 the Commissioner of Energy and Environmental Protection shall
111 report to the Office of Fiscal Analysis on the state parks for which
112 funds have been collected pursuant to subdivision (1) of subsection (a)
113 of this section. Such report shall include (1) the amount of funds
114 received into the [maintenance, repair and improvement account,
115 itemized by subaccount] subaccounts, (2) the amount of funds the

116 Department of Energy and Environmental Protection has expended
117 from the [account] subaccounts for each park, and (3) the projects for
118 which such funds have been expended. Said commissioner shall post
119 the same information on the department's Internet web site.

120 Sec. 505. Section 23-16 of the general statutes is repealed and the
121 following is substituted in lieu thereof (*Effective July 1, 2017*):

122 The Commissioner of Energy and Environmental Protection may
123 execute with residents and nonresidents of this state leases of camping
124 sites and buildings on the state parks for limited periods except as
125 provided in section 23-16a and the proceeds from such leases, together
126 with any other income resulting from the use of the state parks, shall
127 be added to the [General Fund as provided in section 23-15] trust
128 established by the Connecticut Parks Foundation, Inc., as described in
129 section 501 of this act. Not later than May 1, 2010, said commissioner
130 shall establish a schedule of fees payable for the leasing of state
131 camping sites and buildings for residents of this state in amounts not
132 greater than one hundred thirty-five per cent of the amounts charged
133 according to the schedule of camping permit fees established by said
134 commissioner and in effect as of April 1, 2009. Not later than May 1,
135 2010, said commissioner shall establish a schedule of fees payable for
136 the leasing of state camping sites and buildings for nonresidents of this
137 state in amounts not greater than one hundred fifty per cent of the
138 amounts charged according to the schedule of camping permit fees
139 established by said commissioner and in effect as of April 14, 2010.
140 Annually, not later than the first day of November, said commissioner
141 shall allocate from funds available for state park and forest areas in the
142 then current fiscal year, an amount not less than fifty per cent of the
143 portion of such fees collected in the preceding fiscal year directly
144 related to the amount of increase in such fees as required in this
145 section, to be used for purposes of maintenance and improvement of
146 such state camping sites and buildings. Any fees paid for any lease
147 under this section shall not be subject to refund under section 22a-10
148 unless (1) the lessee gives notice of cancellation to the commissioner
149 not later than fourteen days prior to the date such lease is to

150 commence, (2) the park is closed by executive order of the Governor,
151 or (3) the lessee submits proof, satisfactory to the commissioner, of a
152 death or serious illness in the family which prevents use of the facility
153 during the period of the lease. The commissioner may deduct a
154 reasonable service charge from any amount refunded pursuant to
155 subdivisions (1) and (3) of this section.

156 Sec. 506. Sec. 23-10b of the general statutes is repealed and the
157 following is substituted in lieu thereof (*Effective July 1, 2017*):

158 The Commissioner of Energy and Environmental Protection may
159 provide outdoor recreation-related services to the public at state park
160 and forest recreation areas. Such services may include rentals of
161 bicycles, boats, cabins and tents, sale of firewood and operation of
162 camp stores supplying camping necessities. Fees for such services
163 shall be set by the commissioner, according to market value. Revenue
164 from such services shall be deposited in the [Conservation Fund and
165 credited to an enterprise program account] trust established by the
166 Connecticut Parks Foundation, Inc., as described in section 501 of this
167 act, for use in the state park and forest facilities. Such services and fees
168 shall not affect admission, parking, camping and related existing fees.
169 No services shall compete with a concessionaire under contract with
170 the Department of Energy and Environmental Protection at the time
171 such service is offered.

172 Sec. 507. Section 23-11 of the general statutes is repealed and the
173 following is substituted in lieu thereof (*Effective July 1, 2017*):

174 The Commissioner of Energy and Environmental Protection may
175 grant revocable licenses for public purposes to any person for the use
176 of any portion of any state forest or state park if said commissioner
177 finds that such purposes are not in conflict with park or forest
178 purposes. Revenues from such licenses shall be deposited into the trust
179 established by the Connecticut Parks Foundation, Inc., as described in
180 section 501 of this act.

181 Sec. 508. Section 23-25 of the general statutes is repealed and the

182 following is substituted in lieu thereof (*Effective July 1, 2017*):

183 The Commissioner of Energy and Environmental Protection may,
184 with the approval of the Governor, grant leases for public purposes to
185 any public authority for any portion of any state forest or state park if
186 said commissioner finds that such purposes are not in conflict with
187 park or forest purposes. Revenues from such leases shall be deposited
188 into the trust established by the Connecticut Parks Foundation, Inc., as
189 described in section 501 of this act.

190 Sec. 509. Section 23-26 of the general statutes is repealed and the
191 following is substituted in lieu thereof (*Effective July 1, 2017*):

192 (a) The commissioner may (1) provide for the collection of fees for
193 [parking,] admission, boat launching and other uses of state parks,
194 forests, boat launches and other state recreational facilities, (2)
195 establish from time to time the daily and seasonal amount thereof, (3)
196 enter into contractual relations with other persons for the operation of
197 concessions, (4) establish other sources of revenue to be derived from
198 services to the general public using such parks, forests and facilities,
199 and (5) employ such assistants as may be necessary for the collection of
200 such revenue. The commissioner shall deposit such revenue derived
201 therefrom [with the State Treasurer in the General Fund] into the trust
202 established by the Connecticut Parks Foundation, Inc., as described in
203 section 501 of this act. On and after July 1, 1992, any increase in any fee
204 or any establishment of a new fee under this section shall be by
205 regulations adopted in accordance with the provisions of chapter 54.
206 [Not later than May 1, 2010, said commissioner shall establish the daily
207 and seasonal amount of such parking, admission, boat launching and
208 other use fees for residents of this state in amounts not greater than
209 one hundred thirty-five per cent of the amounts charged for such fees
210 by said commissioner as of April 1, 2009.] Not later than May 1, 2010,
211 said commissioner shall establish the daily and seasonal amount of
212 such [parking,] admission, boat launching and other use fees for
213 nonresidents of this state in amounts not greater than one hundred
214 fifty per cent of the amounts charged for such fees by said

215 commissioner as of April 1, 2009. Notwithstanding the provisions of
216 this section, the commissioner may enter into an agreement with any
217 municipality under which the municipality may retain fees collected
218 by municipal officers at state boat launches when state employees are
219 not on duty.

220 (b) Notwithstanding the provisions of subsection (a) of this section,
221 the commissioner may establish fees for the public use of the mansion
222 at Harkness Memorial State Park in Waterford, the Ellie Mitchell
223 Pavilion at Rocky Neck State Park in East Lyme and Gillette Castle in
224 East Haddam provided no fee shall be charged to any group organized
225 as a nonprofit corporation under 26 USC 501(c)(3) for purposes of
226 providing support to such parks or facilities and further provided the
227 commissioner shall specify procedures and criteria for the selection of
228 any private business which is engaged by the state to provide services
229 during any such public use, including, but not limited to, catering
230 services. Such fees, procedures and criteria shall be effective until June
231 30, 1999, or until regulations are adopted, whichever is sooner.
232 Regulations implementing such fees, procedures and criteria shall be
233 adopted in accordance with the provisions of chapter 54 on or before
234 July 1, 1999. Such fees shall be comparable with rents and charges of
235 similar properties based on fair market rates.

236 [(c) The commissioner shall issue to any resident of the state, upon
237 payment of a fee established by said commissioner, a nontransferable
238 Connecticut private passenger motor vehicle pass which permits free
239 parking throughout the calendar year at any state park, forest, boat
240 launch or other state recreational facility, provided the commissioner
241 shall not be required to issue such a pass to any park, forest or facility
242 which is wholly managed by a private concessionaire and may require
243 payment of fees for special events. Not later than May 1, 2010, said
244 commissioner shall establish the amount of such fee for residents of
245 this state in an amount not greater than one hundred thirty-five per
246 cent of the amount charged for such fee by said commissioner as of
247 April 1, 2009. Not later than May 1, 2010, said commissioner shall
248 establish the amount of such fee for nonresidents of this state in an

249 amount not greater than one hundred fifty per cent of the amount
250 charged for such fee by said commissioner as of April 1, 2009.]

251 [(d)] (c) The commissioner shall issue to any resident of the state
252 who is sixty-five years of age or older and to any resident of this state
253 who is a disabled veteran, as defined in section 14-254, or under
254 federal law, without fee, upon application of such resident, a
255 nontransferable lifetime pass which shall permit free parking,
256 admission and boat access parking for use at any state park, forest or
257 state recreational facility, provided the commissioner shall not be
258 required to issue such a pass for use of any park, forest or facility
259 which is wholly managed by a private concessionaire and may require
260 payment of fees for special events.

261 Sec. 510. Subsection (b) of section 23-65j of the general statutes is
262 repealed and the following is substituted in lieu thereof (*Effective July*
263 *1, 2017*):

264 (b) The commissioner may by regulation prescribe fees for the
265 authorization of harvests of commercial forest products from lands
266 other than state-owned lands managed by the department. The fees
267 collected in accordance with this section shall be deposited directly in
268 the [General Fund] trust established by the Connecticut Parks
269 Foundation, Inc., as described in section 501 of this act.

270 Sec. 511. Section 26-3b of the general statutes is repealed and the
271 following is substituted in lieu thereof (*Effective July 1, 2017*):

272 (a) When the Commissioner of Energy and Environmental
273 Protection deems that it would be in the interest of the state, he may
274 rent to any person, or assign departmental employees to occupy,
275 houses, other buildings or property in the custody or control of said
276 commissioner. Any revenues from such rentals shall be deposited into
277 the trust established by the Connecticut Parks Foundation, Inc., as
278 described in section 501 of this act. If he rents property to persons who
279 are not employees of the department, he shall first obtain the approval
280 of the State Properties Review Board and any such rent shall at least be

281 equal to the fair market rental value of such property as determined by
282 the commissioner, notwithstanding any other provision of the general
283 statutes or of any regulations of any state agency. Rentals to persons
284 other than departmental employees may be for commercial, residential
285 or any other purpose that the commissioner deems to be in the interest
286 of the state. If he assigns departmental employees to occupy such
287 property, he may impose whatever conditions he deems necessary
288 upon such assignment. He may also rent any such property to a
289 departmental employee, and if, in his judgment, a rental fee should be
290 charged to such employee, he shall determine such rental fee,
291 notwithstanding any other provision of the general statutes or of any
292 regulations of any state agency. The commissioner may, in the name of
293 the state, execute leases, contracts or other documents to carry out the
294 purposes of this section.

295 (b) Notwithstanding any other provision of the general statutes or
296 of any regulations of any state agency, if the Commissioner of Energy
297 and Environmental Protection determines that it would be in the
298 interest of the state, he may, subject to the approval of the State
299 Properties Review Board and the Governor, sell, exchange or
300 otherwise transfer the state's interests in houses or buildings in the
301 custody and control of said commissioner and land accompanying any
302 such house or building, provided no house, building or accompanying
303 land shall be sold, exchanged or any interest therein transferred for
304 less than its fair market value as determined by the commissioner. Said
305 commissioner may, in the name of the state, execute deeds, contracts
306 or other documents for such purposes. The commissioner shall ensure
307 that any land sold under this section shall be subject to a deed
308 restriction preventing further subdivision. The commissioner may
309 require further conservation restrictions as part of such sale to prevent
310 or limit other activities including, but not limited to, tree cutting or
311 construction of additional structures. All moneys from any such sale,
312 exchange or transfer of any interest pursuant to this section shall be
313 used by the commissioner to carry out the purposes of the recreation
314 and natural heritage trust program established under chapter 453. Any

315 revenues from such sales shall be deposited into the trust established
 316 by the Connecticut Parks Foundation, Inc., as described in section 501
 317 of this act.

318 (c) The commissioner shall grant a right of first refusal regarding the
 319 purchase of any land offered for sale under subsection (b) of this
 320 section to any person who has provided notice of interest in such right
 321 to the commissioner under this subsection and who provides evidence
 322 satisfactory to the commissioner that (1) such person is the husband or
 323 wife, parent, grandparent, sibling, child or grandchild of (A) a person
 324 who held title to the land in fee immediately prior to the state's taking
 325 title provided the state acquired such title on or after January 1, 1969,
 326 and prior to January 1, 1975, and (B) a person who owns land
 327 contiguous to the land being offered for sale, or (2) such person (A) is
 328 the husband or wife, parent, grandparent, sibling, child or grandchild
 329 of a person who held title to the land immediately prior to the state's
 330 taking title provided the state acquired such title on or after January 1,
 331 1969, and prior to January 1, 1975, and (B) owns land contiguous to the
 332 land being offered for sale. Notice of interest in such right shall be in
 333 writing and shall provide an address to which notice of an offer for
 334 sale may be sent and shall further provide any information the
 335 commissioner deems relevant to any determination required of him
 336 under this subsection. If he finds that such notice is complete, the
 337 commissioner shall send notice to such person, by certified mail, prior
 338 to offering such land for sale to any other person under subsection (b)
 339 of this section. Such right shall be exercised not later than thirty days
 340 after the date that notice of an offer for sale is received. In the event
 341 that more than one notice of interest is filed with the commissioner, the
 342 person who provided the first notice deemed complete by the
 343 commissioner shall be given the right of first refusal."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	July 1, 2017	New section
Sec. 502	July 1, 2017	New section

Sec. 503	<i>July 1, 2017</i>	23-15
Sec. 504	<i>July 1, 2017</i>	23-15b
Sec. 505	<i>July 1, 2017</i>	23-16
Sec. 506	<i>July 1, 2017</i>	New section
Sec. 507	<i>July 1, 2017</i>	23-11
Sec. 508	<i>July 1, 2017</i>	23-25
Sec. 509	<i>July 1, 2017</i>	23-26
Sec. 510	<i>July 1, 2017</i>	23-65j(b)
Sec. 511	<i>July 1, 2017</i>	26-3b